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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 GIOVANNI VASSALO,

16 Defendant.

17) NO. 3:23-CR-00182-JD

) STIPULATION TO CONTINUE CHANGE OF
PLEA HEARING AND EXCLUDE TIME
AND ORDER

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19 It is hereby stipulated by and between counsel for the United States and counsel for the defendant
20 Giovanni Vassalo, that the change of plea set for June 10, 2024 be continued to August 12, 2024. It is
21 further stipulated that time be excluded under the Speedy Trial Act from June 10, 2024 through
22 August 12, 2024.

23 On April 22, 2024, the parties appeared before the Court for a change of plea hearing. At that
24 time, defense counsel informed the Court that the defendant had checked himself into a VA hospital and
25 was therefore not present. After Court, the parties learned that the defendant had been arrested on
26 April 20, 2024 in San Jose for violations of California Penal Code §§ 647(a), 647(F), and 148.9(A). He
27 was detained in Santa Clara where law enforcement determined he had two outstanding arrest warrants.

1 The defendant was then transferred to San Francisco on the outstanding state warrant for violations of
2 California Penal Code § 372 – public nuisance, § 647(a) – engaging in lewd conduct, and § 314(1) –
3 indecent exposure in case number 24006153. On April 30, 2024, the defendant was detained in case
4 number 24006153 and has remained detained since. A preliminary hearing has been continued in the state
5 case and is now set for June 12, 2024. As a result, the parties stipulate to continue the change of plea to
6 August 12, 2024 in order to give the state case time to resolve.

7 The government and counsel for the defendant also agree that time be excluded under the Speedy
8 Trial Act due to a delay resulting from the state trial on other charges against the defendant. *See* 18 U.S.C.
9 § 3161(h)(1)(B). Additionally, given the defendant's detention in the other case, defense counsel needs
10 additional time to confer with his client on the change of plea hearing in this case. For this reason, the
11 parties stipulate and agree that excluding time until August 12, 2024 will allow for the effective
12 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that
13 the ends of justice served by excluding the time from June 10, 2024 through August 12, 2024 from
14 computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a
15 speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

16 The undersigned Assistant United States Attorney certifies that she has obtained approval from
17 counsel for the defendant to file this stipulation and proposed order.

19 IT IS SO STIPULATED.

20 DATED: June 6, 2024

21 _____ /s/
22 KELSEY C. DAVIDSON
Assistant United States Attorney

23 DATED: June 6, 2024

24 _____ /s/
25 PANAGIOTIS PROUNTZOS
26 Counsel for Defendant Giovanni Vassalo
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ORDER

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds that time should be excluded because the delay is due to the defendant's trial on other state charges. 18 U.S.C. § 3161(h)(1)(B). The Court also finds that failing to exclude the time from June 10, 2024 through August 12, 2024 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from June 10, 2024 through August 12, 2024 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from June 10, 2024 through August 12, 2024 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(1)(B), (h)(7)(A), (B)(iv). It is also ordered that the change of plea hearing on June 10, 2024 be continued to August 12, 2024.

IT IS SO ORDERED.

DATED: 6/7/2024

JAMES DONATO
United States District Judge